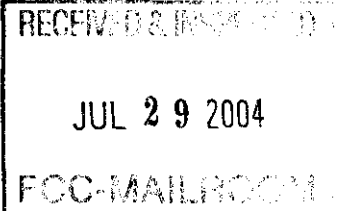


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July 28, 2004

SENT BY FEDERAL EXPRESS

Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: "Motion to Dismiss Counterproposal and
Withdraw From the Proceeding"
filed by New Ulm Broadcasting Company
in FM Rulemaking Docket No. 02-248;
Smiley, Texas.

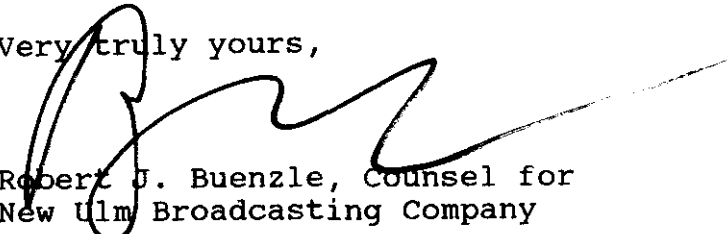
Dear Ms. Dortch:

Transmitted herewith is an original and four copies of
the above-captioned pleading as directed to the Assistant
Chief, Audio Division of the Media Bureau.

It is requested that the additional enclosed copy marked
"FILE" be date-stamped and returned to us in the enclosed
self-addressed stamped envelope.

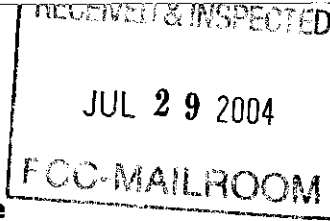
Should any additional information be required, please
contact this office.

Very truly yours,


Robert J. Buenzle, Counsel for
New Ulm Broadcasting Company

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ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	MB Docket No. 02-248
)	
Amendment of Section 73.202(b))	RM-10537
Table of Allotments)	
FM Broadcast Stations)	
Smiley, Texas)	

To: Assistant Chief,
Audio Division
Media Bureau

**MOTION TO DISMISS COUNTERPROPOSAL AND
WITHDRAW FROM THE PROCEEDING**

On October 21, 2002, New Ulm Broadcasting Company ("New Ulm"), filed its Comments and Counterproposal in this proceeding, proposing, inter alia, to add a new FM allocation to Schulenburg, Texas. The Counterproposal was filed in good faith and prosecuted diligently over the subsequent years with the most recent filing being a Request for Waiver filed on June 23, 2004. As of this time the Counterproposal and all subsequent pleadings remain pending.

On further consideration however, in view of the intervening time and changed circumstances, including changes in FCC Rules and Policies applicable to this case, since the time of the filing, New Ulm has now reached the conclusion and determination that it does not wish to proceed further with its prosecution and therefore hereby respectfully requests that its Counterproposal

be dismissed and that the Commission recognize New Ulm's withdrawal from this proceeding.

In compliance with 47 CFR 1.420(j) of the Commission's Rules, there is attached hereto a Declaration by Roy E. Henderson, Principal of New Ulm Broadcasting Company, certifying that neither the company nor any principal has received, or will receive, any money or other consideration in connection with its withdrawal from this proceeding.

Wherefore, it is respectfully requested that this Motion be granted and that the Counterproposal filed by New Ulm Broadcasting on October 21, 2002, in this proceeding, along with any other pending pleadings filed herein, be dismissed and that New Ulm Broadcasting Company be recognized as having no further interest in this case and as being withdrawn from the proceeding.

Respectfully submitted,

NEW ULM BROADCASTING COMPANY,

by



Robert J. Buenzle

Its Counsel

Law Offices
Robert J. Buenzle
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
(703) 430-6751

July 29, 2004

DECLARATION

Roy E. Henderson, under penalty of perjury, hereby states and declares the following:

That he is a principal of New Ulm Broadcasting Company, which filed a Counterproposal in MB Docket No. 02-248, Smiley, Texas, on October 21, 2002, requesting amendment of the Commission's Table of FM Radio Allocations including, inter alia, the assignment of a new FM channel to Schulenburg, Texas, and that the Counterproposal is still pending at this time;

That as circumstances have changed since the date of that filing, including changes in applicable FCC Rules and Policies, that New Ulm has now concluded that it does not wish to continue further with prosecution of that Counterproposal and has determined to dismiss that Counterproposal and withdraw from this proceeding;

And that in connection therewith, it is hereby certified that neither New Ulm Broadcasting nor any principal of New Ulm Broadcasting has received, or will receive, any money or other consideration in exchange for that dismissal.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 28 day of July 2004.



Roy E. Henderson, Principal of
New Ulm Broadcasting Company

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Motion To Dismiss Counterproposal and Withdraw from the Proceeding have been served by United States mail, postage prepaid this 29th day of July, 2004, upon the following:

*John A. Karousos, Esq.
Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau
Federal Communications Commission
Portals II, Room 3-A266
445 12th Street SW
Washington, D.C. 20554

*R. Barthen Gorman, Esq.
Media Bureau, Audio Division
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Linda Crawford
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Smiley Petitioner

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Counsel for LBR Enterprises, Inc.


Robert J. Buenzle

* Also Sent By Fax